

**SENATE JOURNAL  
63RD LEGISLATURE  
NINTH LEGISLATIVE DAY**

Helena, Montana  
January 17, 2013

Senate Chambers  
State Capitol

Senate convened at 1:02 p.m. President Essmann presiding. Invocation by Father Jerry Lowney. Pledge of Allegiance to the Flag.

Roll Call. All members present. Quorum present.

**BILLS AND JOURNALS** (Buttrey, Chair):

1/17/2013

Correctly printed: **SB 29, SB 50, SB 52, SB 71, SB 141, SB 142, SB 143, SB 144, SB 145, SB 146, SB 147, SR 2.**

Correctly engrossed: **SB 75.**

Majority Leader Wittich announced the Republicans would caucus until 1:15 p.m..

Minority Leader Sesso announced the Democrats would caucus until 1:15 p.m.

Senate recessed until 1:15 p.m.

Session called back to order at 1:30 p.m.

**REPORTS OF STANDING COMMITTEES**

**BUSINESS, LABOR, AND ECONOMIC AFFAIRS** (Sonju, Chair):

1/17/2013

**SB 30**, introduced bill, be amended as follows:

1. Title, page 1, line 6.

**Following:** "REQUIREMENTS;"

**Insert:** "DEFINING AND"

2. Title, page 1, line 7.

**Strike:** "SECTION"

**Insert:** "SECTIONS 90-1-201 AND"

3. Page 1, line 11.

**Insert:** "**Section 1.** Section 90-1-201, MCA, is amended to read:

**"90-1-201. Big sky economic development program -- definitions.** (1) (a) There is a big sky economic development program that consists of:

(i) the big sky economic development fund established in 17-5-703; and

(ii) the economic development special revenue account provided for in 90-1-205.

(b) Interest and income from the big sky economic development fund may be used to administer the big sky economic development program and to provide financial assistance for qualified economic development purposes under this part.

(2) As used in this part, the following definitions apply:

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- (a) "Certified regional development corporation" has the meaning provided in 90-1-116.
- (b) "Department" means the department of commerce provided for in 2-15-1801.
- (c) "Economic development organization" means:
  - (i) (A) a private, nonprofit corporation, as provided in Title 35, chapter 2, that is exempt from taxation under section 501(c)(3) or 501(c)(6) of the Internal Revenue Code, 26 U.S.C. 501(c)(3) or 501(c)(6);
  - (B) an entity certified by the department under 90-1-116; or
  - (C) an entity established by a local government; or
  - (ii) an entity actively engaged in economic development and business assistance work in a region of the state.
- (d) "Employee benefits" means health, welfare, and pension contributions that meet the requirements of the Employee Retirement Income Security Act of 1974, 29 U.S.C. 1001, et seq.
- ~~(d)~~(e) "High-poverty county" means a county in this state in which 14% or more of people of all ages are in poverty as determined by the U.S. bureau of the census estimates for the most current year available.
- ~~(e)~~(f) "Local government" means a county, consolidated government, city, town, or district or local public entity with the authority to spend or receive public funds.
- ~~(f)~~(g) "Tribal government" means any one of the seven federally recognized tribal governments of Montana and the Little Shell band of Chippewa Indians.""

**Renumber:** subsequent sections

And, as amended, do pass. Report adopted.

**JUDICIARY** (Murphy, Chair): 1/17/2013  
**SB 65**, do pass. Report adopted.  
**SB 73**, do pass. Report adopted.

**TAXATION** (Tutvedt, Chair): 1/17/2013  
**SB 15**, do pass. Report adopted.  
**SB 16**, do pass. Report adopted.

**COMMITTEE ON COMMITTEES** (Brenden, Chair): 1/17/2013  
Appointments to Joint Select Committee on Pensions, do pass. Report adopted.

Lewis (Chair), Arthun, Facey, Jent, Sales, Vincent

**MESSAGES FROM THE OTHER HOUSE**

**House bills** passed and transmitted to the Senate for concurrence: 1/17/2013

**HB 35**, introduced by Miller  
**HB 42**, introduced by Regier  
**HB 53**, introduced by Ingraham  
**HB 92**, introduced by Curtis  
**HB 93**, introduced by McClafferty

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**HB 132**, introduced by Lavin

**HB 139**, introduced by Lavin

**House joint resolution** passed and transmitted to the Senate for concurrence: 1/17/2013

**HJR 1**, introduced by Blyton

**FIRST READING AND COMMITMENT OF BILLS**

The following Senate bills were introduced, read first time, and referred to committees:

**SB 148**, introduced by L. Jones, Berry, Blasdel, Buttrey, Hansen, Knudsen, O'Hara, Reichner, C. Smith, Sonju, Tutvedt, Vance, Welborn, Wittich, referred to Business, Labor, and Economic Affairs.

**SB 149**, introduced by Thomas, referred to Public Health, Welfare and Safety.

**SB 150**, introduced by Driscoll, Larsen, McCarthy, Miller, Regier, Schwaderer, Van Dyk, Wilmer, Zolnikov, referred to Judiciary.

**SB 151**, introduced by Peterson, Arthun, Boulanger, Clark, Lynch, Pierson, Rosendale, Taylor, Thomas, referred to Fish and Game.

**SB 152**, introduced by Thomas, referred to Judiciary.

**SB 153**, introduced by Thomas, Berry, Larsen, Olson, referred to State Administration.

**SB 154**, introduced by Vincent, referred to Natural Resources.

**SB 155**, introduced by Vincent, referred to Fish and Game.

**SB 156**, introduced by Vincent, referred to Fish and Game.

**SECOND READING OF BILLS  
(COMMITTEE OF THE WHOLE)**

Senator Wittich moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Olson in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

**SB 8** - Senator Murphy moved **SB 8** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 48

Nays: Dick Barrett, Caferro.

Total 2

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Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 53** - Senator Driscoll moved **SB 53** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 64** - Senator Facey moved **SB 64** do pass. Motion carried as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Mr. President.

Total 48

Nays: Sales, Wittich.

Total 2

Absent or not voting: None.

Total 0

Excused: None.

Total 0

Senator Wittich moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Essmann in the chair. Chair Olson moved the Committee of the

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Whole report be adopted. Report adopted as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**THIRD READING OF BILLS**

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

**SB 29** passed as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 50** passed as follows:

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Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**SB 71** passed as follows:

Yeas: Arntzen, Arthun, Augare, Debby Barrett, Dick Barrett, Blewett, Boulanger, Brenden, D. Brown, T. Brown, Buttrey, Caferro, Driscoll, Facey, Fielder, Hamlett, Jackson, Jent, Jergeson, Jones, Kaufmann, Keane, Larsen, Lewis, Malek, Moore, Murphy, Olson, Peterson, Phillips, Priest, Ripley, Rosendale, Sales, Sesso, Sonju, Stewart-Peregoy, Taylor, Thomas, Tropila, Tutvedt, Van Dyk, Vincent, Vuckovich, Walker, Wanzenried, Webb, Windy Boy, Wittich, Mr. President.

Total 50

Nays: None.

Total 0

Absent or not voting: None.

Total 0

Excused: None.

Total 0

**UNFINISHED BUSINESS**

Mr. President, I move that the following undersigned names be **ADDED** as sponsors to **SB 134**.  
Motion carried.

**SB 134** (Brenden, Chief Sponsor)  
Representatives Eck and McCarthy.

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**ANNOUNCEMENTS**

Committee meetings were announced by the committee chairs.

Senator Sesso informed the Senate that Senator Cliff Larsen has been named the Veteran of the Year by the Montana National Guard and Enlisted Association.

Majority Leader Wittich moved that the Senate adjourn until 1:00 p.m., Friday, January 18, 2013. Motion carried.

Senate adjourned at 2:01 p.m.

MARILYN MILLER  
Secretary of the Senate

JEFF ESSMANN  
President of the Senate